

Appl. No.: 09/742,190  
Filed: December 22, 2000  
Amdt. Dated August 20, 2008

### **REMARKS**

This response is submitted in reply to the final Office Action dated July 10, 2008. Claims 1, 5-14 and 23-36 currently stand rejected. Applicant respectfully traverses.

In light of the remarks presented below, Applicant respectfully requests reconsideration and allowance of all now-pending claims of the present application.

#### **Claim Rejections - 35 USC §103**

Claims 1, 6, 13, 14 and 23 currently stand rejected under 35 U.S.C. §103(a), as being unpatentable over Alperovich et al. (U.S. Patent No. 6,119,014, hereinafter "Alperovich") in view of Irvin (U.S. Patent No. 6,360,101) and further in view of Helferich (U.S. Patent No. 6,826,407). Claims 5, 7, 8 and 10 currently stand rejected under 35 U.S.C. §103(a) as being unpatentable over Alperovich, Irvin and Helferich in view of Gerszberg et al. (U.S. Patent No. 6,385,305, hereinafter "Gerszberg"). Claims 9, 11, 12 and 24-36 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Alperovich, Irvin and Helferich in view of various combinations of Gerszberg, Jennings (U.S. Patent No. 5,781,186), or Hashimoto et al. (U.S. Patent No. 6,263,201, hereinafter "Hashimoto").

Independent claim 1 recites, *inter alia*, storing the component as a message together with a message header holding the location conditions under which the message is enabled to be opened by the device of the recipient in a memory of the communication device, the message header further including information descriptive of content of the message and information displayable to the recipient indicating requirements to read the message. Accordingly, the message header, which includes information descriptive of content of the message and the requirements for reading the message, holds the location conditions. Furthermore, the requirements for reading the message may be displayed to the recipient so, for example, the recipient can determine necessary conditions and/or connectivity to facilitate reading the message. Additionally, the component stored as the message is stored in the memory of the communication device of the message sender.

As an initial matter, Applicant respectfully notes that Irvin, which is the only reference cited as disclosing the feature of storing the component as a message in a memory of the

communication device of the message sender, fails to disclose this feature. Instead, quite to the contrary, the cited passage of Irvin (col. 4, lines 7-34), clearly relates to the storage of locations of the receiving device, which are compared to current location information to determine whether the receiving device (e.g., the mobile communication terminal 100) is at a location that matches a target location stored in the target location memory (element 170 of FIG. 2 of Irvin). Thus, the cited passage of Irvin, and in fact all of Irvin, fails to teach or suggest storing the component as a message together with a message header holding the location conditions under which the message is enabled to be opened by the device of the recipient in a memory of the communication device as recited in independent claim 1.

None of the other cited references teach or suggest this feature or are cited as such. Thus, any combination of Irvin and the other cited references also fail to teach or suggest this feature, thereby rendering independent claim 1 patentable over the cited references, alone or in combination. Independent claims 23 and 31 include similar recitations regarding storing such information at a sender device rather than at a recipient device and are thus patentable over the cited references, alone or in combination, for at least the same reasons. Of note, Jennings is asserted, only in connection with the rejection of claim 31, to provide disclosure related to this feature. However, the memory of Jennings is clearly located within a network device of the messaging network 100 and thus Jennings fails to teach or suggest any storage of a component of a message in a memory of the communication device where the communication device is a device of the sender as provided in the claimed invention.

As indicated above, independent claim 1 also recites the message header further including information descriptive of content of the message and information displayable to the recipient indicating requirements to read the message. The Office Action cites Helferich as disclosing this feature by virtue of the “play” button of FIGS. 7 and 8 and the corresponding description at col. 17, lines 33-38. However, these disclosures of Helferich merely provide instructions for hearing a voice message and a corresponding interface mechanism for playing the voice message. Thus, even if one considers the instruction indicating that by clicking the “play” button one can hear the voice message to be a “requirement” in the same context provided in independent claim 1 (a point of view with which Applicant respectfully disagrees), such a construction of the disclosure of Helferich still falls short of the claimed invention since the

instructions are merely instructions for playing a message and not requirements to read the message as provided in the claimed invention. Moreover, Applicant respectfully submits that an instruction for how to access information is not a requirement to access such information in any case. Thus, for the reasons provided above, Helferich fails to teach or suggest that the message header further including information descriptive of content of the message and information displayable to the recipient indicating requirements to read the message as provided in independent claim 1.

None of the other cited references teach or suggest this feature or are cited as such. Thus, any combination of Helferich and the other cited references also fail to teach or suggest this feature, thereby rendering independent claim 1 patentable over the cited references, alone or in combination. Independent claim 23 includes similar recitations regarding the message header including information displayable to the recipient indicating requirements to read the message and is thus patentable over the cited references, alone or in combination, for at least the same reasons.

Independent claim 31 recites, *inter alia*, that the presentation file includes parameters relating to control of a speed of playback of a video file at the device of the recipient. Moreover, the control of the speed of playback is also provided at the apparatus of claim 31 to be sent to a recipient device.

Alperovich, Helferich, Hashimoto, Gerszberg and Irvin each fail to provide any disclosure, much less any teaching or suggestion, relating to a presentation file being stored with the message in which the presentation file includes parameters relating to control of a speed of playback of a video file comprising the presentation file at the device of the recipient as provided in independent claim 31. Meanwhile, Jennings, which was previously relied upon to show control over playback speed, only relates to controlling the timing and delays associated with component presentation. For example, col. 1, lines 55-64 of Jennings describes specifying how fast and in what order components of a message are presented. In this regard, each component of Jennings may be presented with a delay as described in the context of slides or other text related elements described at col. 1, lines 11-39, col. 4, line 48 to col. 5, line 34 and col. 6, lines 25-29 of Jennings. The delay is used to ensure that a current slide is synchronized with corresponding audio. Accordingly, even if the component were a video file,

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Jennings does not describe an element to control playback speed of the video file itself, but rather the order and delay associated with the presentation of multiple components. In other words, Jennings does not control playback speed of any particular component and therefore fails to meet the claimed feature of controlling the playback speed of a video file.

Since the cited references each fail to teach or suggest a presentation file being stored with the message in which the presentation file includes parameters relating to control of a speed of playback of a video file comprising the presentation file at the device of the recipient as provided in independent claim 31, any combination of the cited references also fails to teach or suggest such feature. Thus, independent claim 31 is patentable over the cited references taken either alone or in combination.

Applicant respectfully notes that the rejection of independent claim 31 was traversed in Applicant's previous response; however, the final Office Action has failed to address this traversal. As stated in MPEP 707.07(f), "Where applicant traverses any rejection, the examiner should, if he or she repeats the rejection, take note of the applicant's argument and answer the substance of it." Accordingly, Applicants respectfully request an answer to the substance of the traversal of the rejection of independent claim 31 in the next Office communication if such rejection is to be maintained, in accordance with the requirements of MPEP 707.07(f).

Claims 5-14, 24-30 and 32-36 depend either directly or indirectly from corresponding ones of independent claims 1, 23 and 31, and thus include all the recitations of their corresponding independent claims. Therefore, dependent claims 5-14, 24-30 and 32-36 are patentable for at least those reasons given above for independent claims 1, 23 and 31.

Accordingly, for all the reasons provided above, Applicant respectfully submits that the rejections of claims 1, 5-14 and 23-36 are overcome.

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**CONCLUSION**

In view of the remarks submitted above, it is respectfully submitted that the present claims are in condition for immediate allowance. It is therefore respectfully requested that a Notice of Allowance be issued. The Examiner is encouraged to contact Applicant's undersigned attorney to resolve any remaining issues in order to expedite examination of the present invention.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,



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